

SENATE BILL No. 194

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-20.

Synopsis: Indemnity provisions in snow removal contracts. Provides that any provision in a contract for snow removal services that purports to release a person who performs snow removal services from liability for the person's negligence, recklessness, or intentional act is void as against public policy.

Effective: July 1, 2016.

Crider

January 6, 2016, read first time and referred to Committee on Civil Law.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 194

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-4-20 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]:
4 **Chapter 20. Snow Removal Contracts**
5 **Sec. 1. This section applies only to a contract entered into or**
6 **renewed after June 30, 2016.**
7 **Sec. 2. The following definitions apply throughout this chapter:**
8 (1) "Consumer" means a person who contracts with an
9 operator for snow removal services.
10 (2) "Operator" means a person who performs or provides
11 snow removal services. The term includes an employee,
12 contractor, or agent of the operator.
13 (3) "Person" means an individual, a firm, an association, a
14 limited liability company, a partnership, a trust, a
15 corporation, or any other business entity.
16 (4) "Provision in a contract" means any provision or
17 agreement:



- 1 (A) in;
2 (B) collateral to; or
3 (C) otherwise affecting;
4 a contract.
5 (5) "Snow removal" includes:
6 (A) plowing, shoveling, or otherwise removing snow or
7 mixed precipitation from a surface;
8 (B) deicing services; and
9 (C) any service incidental to a service described in this
10 section, including traveling to or from a location where
11 snow removal will be or has been performed and
12 transporting snow removal equipment and materials.
13 **Sec. 3. Notwithstanding any other law, a provision in a contract**
14 **for snow removal that purports to:**
15 (1) release an operator from liability; or
16 (2) require a consumer to indemnify, defend, or otherwise
17 hold harmless an operator;
18 for damages or a loss resulting from the operator's negligence,
19 recklessness, or intentional act is against public policy, void, and
20 unenforceable.

